

FILED

APR 21 2006

BEFORE THE DEPARTMENT OF INSURANCE NEBRASKA DEPARTMENT
STATE OF NEBRASKA OF INSURANCE

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MATTHEW J. GREEN,

RESPONDENT.

Apr 24, 2006 ACCT# 8521 \$834.00
NO-INVOICE [REDACTED] TRAN# 1593440
GREEN, MATTHEW J
CHECK# 2038

CONSENT ORDER

CAUSE NO. A-1646

Apr 24, 2006 ACCT# 8521 \$833.00
NO-INVOICE [REDACTED] TRAN# 1593442
GREEN, MATTHEW J
CHECK# 2018

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Matthew J. Green, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Matthew J. Green, Cause Number A-1646 on November 15, 2005. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. Respondent violated Neb. Rev. Stat. §44-4059(1)(b), 44-4059(1)(e), and 44-4059(1)(h) as a result of the following conduct:

- a. On or about March 26, 2002, Joseph Standeven visited Bob and Wilma L'Heureux in their home and sold them annuities. Matthew Green was not present when the annuity applications were filled out, nor had he met the L'Heureuxs. In spite of this, Matthew Green signed the L'Heureux's annuity applications.
- b. In an August 30, 2004 letter in response to a Department of Insurance investigation, Allianz, the company from which the annuities were purchased, admitted that Respondent signed the application and that they would "prefer to have the soliciting agent sign the applications and other required forms..." and that they would "remind" Respondent of this point. They also offered to replace Respondent's name with the name of the actual agent who sold them the annuities.
- c. In signing the annuity application, Respondent certified that the statements of the applicants had been correctly recorded. Since he was not there, it would be impossible for him to know exactly what statements were made and whether or not they were correctly recorded, except that Respondent reviewed the application with Joe Standeven, his insurance agent partner who had taken the applications with the L'Heureuxs, and who represented the statements contained in the applications were accurate.
- d. Respondent also signed forms verifying that the owners had received proper disclosure forms. Respondent cannot actually attest to this fact since he was not there at the time of application, except that Respondent reviewed the application with Joe Standeven, his insurance agent partner who had taken the applications with the L'Heureuxs, and who represented the statements contained in the applications were accurate.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

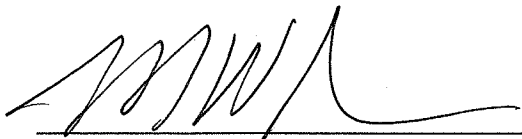
4. Respondent neither admits nor denies the allegations contained in the Petition and restated in Paragraph #2 above but, in order to resolve this matter, agrees to abide by the terms of this consent order.

CONCLUSIONS OF LAW

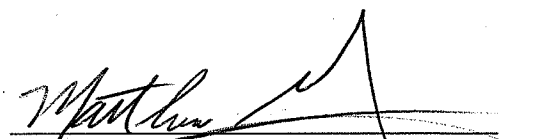
Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-4059(1)(b), 44-4059(1)(e), and 44-4059(1)(h).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Matthew J. Green that he shall pay an administrative fine of \$2,500 and agrees that he will not sign any insurance application for which he is not present during the application process with an insurance client. If Respondent is found to have signed an application without being present during the time of the taking of the application, he will be considered to have violated the terms of this consent order. Respondent's fine shall be paid in three equal payments after the Director of the Department of Insurance affixes his signature to this document and approves said consent agreement. The first payment shall occur once the settlement is approved by the Director, the second payment shall occur thirty days after the consent order is approved by the Director, and the final payment shall occur sixty days after the approval of the consent order by the Director. If Respondent fails to pay this fine in the time specified, his Nebraska's insurance producers license shall automatically be revoked. In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his signature below.



Martin W. Swanson, #20795
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402)471-2201



Matthew Green
Respondent

Date: 4-20-06



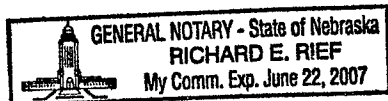
Barry Lake
Attorney for Respondent

4-26-06
Date

4-26-06
Date

State of NE)
County of HALL) ss.

On this 20 day of APRIL, 2006, Matthew J. Green personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Richard E. Rief
Notary Public

CERTIFICATE OF ADPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Matthew Green, Cause No. A-1646.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

4/21/06
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 3231 Ramada Road, Suite 8, Box 1865, Grand Island, Nebraska 68826, by certified mail, return receipt requested on this 24 day of April, 2006.

Tracy A. Luhn